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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,287	07/11/2003	Cherng Chang		4775

7590

05/06/2005

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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,287

Applicant(s)

CHANG, CHERNG

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-47, 56-65 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-47, 56-65 and 69-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I. (figures 1-6) in the reply filed on Feb. 4, 2005 is acknowledged.

Priority

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

This application is claiming the benefit of a prior filed nonprovisional application under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required. The current application is not copending with any of the non-provisional applications listed by the applicant, i.e. 09/804,168, 09/360,386, 08/962,095, 08/929,193, and 08/270,008.

Drawings

The drawings are objected to because in figure 6 the separated elements should be embraced by a bracket. In figures 2 and 9 the applicant shows trademarks, i.e. Disney characters which is improper. In claim 33, each of the views need to be separately labeled, i.e. "FIG 33A", "FIG 33B". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: on page 1, lines 6,9, and 10, the applicant should update the status for applications 09/804,168 and 08/962,095 and 08/929,193, i.e. indicate that these cases are not abandoned. Appropriate correction is required.

Claim Objections

Claim 64 is objected to because of the following informalities: In claim 64, line 1, there is no antecedent basis for "said insertion member", it appears that claim 64 should depend upon claim 63. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 41-47 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight, Jr. (U.S. Patent No. 3,596,391) in view of the applicant's admitted prior art in the specification, page 23, lines 8-12.

Knight, Jr. shows in figures 4-7 a background picture (21a, panel 21a includes indicia thereon), and a picture frame (11a) having a transparent plate (121) for supporting a picture (plate 21 comprises art work, see column 4, lines 21-25). Knight, Jr. does not disclose making the art work in the form of a composite picture. The applicant discloses in the specification, page 23, lines 8-12 that composite pictures are known in the art. In view of the teachings of the applicant's admitted prior art it would have been obvious to one in the art to make the art work in the form of a composite picture since this would create a more amusing, eye-catching, and aesthetically pleasing display. In regard to claim 42, the corners are considered to be the bending means. In regard to claim 43, Knight, Jr. shows a bottom panel (see figures 6 and 7) that is considered to be a "bottom edge picture" since it includes three dimensional articles (35,37) thereon which forms a picture. In regard to claim 44, Knight, Jr. shows in figures 6 and 7 three-dimensional art (35,37). In regard to claims 45 and 46, the method used in forming the composite picture is not given any patentable weight in an article claim. In regard to claim 47, the applicant discloses in the specification, page 23, lines 8-12 that composite pictures are known in the art. In regard to claim 70, the elements (35,37) in Knight, Jr. are considered to be building components.

Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight, Jr. (U.S. Patent No. 3,596,391) in view of the applicant's admitted prior art in the specification, page 23,

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lines 8-12 as applied to claim 41 above and further in view of Hartgrave (U.S. Patent No. 4,407,083).

Knight, Jr. in view of the applicant's admitted prior art discloses the applicant's basic inventive concept except for making the three dimensional art in the form of an electrically activated art. Hartgrave shows in figures 1-3 an electrically activated three dimensional art (50). In view of the teachings of Hartgrave it would have been obvious to one in the art to modify Knight, Jr. by making the three dimensional art in the form of an electrically activated art since this would create a more amusing and eye-catching display.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight, Jr. (U.S. Patent No. 3,596,391) in view of the applicant's admitted prior art in the specification, page 23, lines 8-12 as applied to claim 41 above and further in view of Thomson et al. (U.S. Patent No. 3,713,237).

Knight, Jr. in view of the applicant's admitted prior art discloses the applicant's basic inventive concept except for sandwiching the composite picture between the transparent plate and a second transparent plate. Thomson et al. shows in figures 1-3 the idea of holding a display sheet (16) between a pair of transparent plates (14,15). In view of the teachings of Thomson et al. it would have been obvious to one in the art to modify Knight, Jr. by providing a second transparent panel since this would allow the picture to be attached to and removed from the display in a easier manner and would allow the picture to be held within the display in a more secure manner.

Claims 56,57,58,60,63,64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miki et al. (U.S. Patent No. 5,617,663) in view of Hartgrave (U.S. Patent No. 4,407,083) and Baatz (U.S. Patent No. 3,663,808).

Miki et al. shows in figure 11 bending means (Miki et al. discloses that the device can contain front and back curved panels, see column 6, lines 5-9, one or both of these panels is considered to be the bending means), a front opening (the opening covered by panel 16), a top opening (the opening covered by panel 22), and a frame glass member (16) and a top cover (22). Miki et al. does not disclose covering the front and top opening with a glass member. Hartgrave shows in figure 1 the idea of covering the front and top opening with two transparent members. Baatz shows in figure 1-5 the idea of using a transparent cover (20) for covering a front and top opening. In view of the teachings of Hartgrave and Baatz it would have been obvious to one in the art to modify Miki et al. by replacing the front and top covers with a single transparent cover since this would create a more aesthetically pleasing display and would allow the display to be assembled in an easier manner. In regard to claim 57, Miki et al. discloses making the bending means from a curved back wall, see column 6, lines 5-9. In regard to claim 58, the glass frame is capable of holding a picture as broadly defined and it is well known in the art to make transparent sheets flexible in order to make them more break resistant. In regard to claim 60, the bottom plate (12) is at right angles to the background picture. In regard to claim 63, as broadly defined, Miki et al. shows an insertion member (12) which covers the bottom opening. In regard to claim 64, Hartgrave shows in figures 1-3 an electrically activated three dimensional art (50). In view of the teachings of Hartgrave it would have been obvious to one in the art to modify Miki et al. by adding an electrically activated art since this would create a more amusing and

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eye-catching display. In regard to claim 65, Baatz shows in figures 1-5 the idea of including a curved portion on the glass member. It is considered within one skilled in the art to vary the curvature to achieve a desired effect.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miki et al. (U.S. Patent No. 5,617,663) in view of Hartgrave (U.S. Patent No. 4,407,083) and Baatz (U.S. Patent No. 3,663,808) as applied to claim 56 above and further in view of Thomson et al. (U.S. Patent No. 3,713,237).

Miki et al. in view of Hartgrave and Baatz prior art disclose the applicant's basic inventive concept except for sandwiching the picture between the transparent plate and a second transparent plate. Thomson et al. shows in figures 1-3 the idea of holding a display sheet (16) between a pair of transparent plates (14,15). In view of the teachings of Thomson et al. it would have been obvious to one in the art to modify Miki et al. by providing a second transparent panel since this would allow the picture to be attached to and removed from the display in a easier manner and would allow the picture to be held within the display in a more secure manner.

Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miki et al. (U.S. Patent No. 5,617,663) in view of Hartgrave (U.S. Patent No. 4,407,083) and Baatz (U.S. Patent No. 3,663,808) as applied to claim 56 above and further in view of Cvetkov (U.S. Patent No. 5,666,712).

Miki et al. in view of Hartgrave and Baatz prior art disclose the applicant's basic inventive concept except for providing a magnetic bottom plate. Cvetkov shows in figure 7 the idea of

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making a bottom plate (36) magnetic in order to allow three-dimensional articles to be supported thereon. In view of the teachings of Cvetkov it would have been obvious to attach a magnetic bottom plate to the assembly since this would allow three-dimensional articles to be attached thereto in order to create a more amusing and aesthetically pleasing display.

Claim 62 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miki et al. (U.S. Patent No. 5,617,663) in view of Hartgrave (U.S. Patent No. 4,407,083) and Baatz (U.S. Patent No. 3,663,808) as applied to claim 56 above and further in view of Knight, Jr. (U.S. Patent No. 3,596,391).

Miki et al. in view of Hartgrave and Baatz prior art disclose the applicant's basic inventive concept except for attaching up and down surface structure. Knight, Jr. shows in figures 5 and 7 up and down structure (35,37) to the bottom plate. In view of the teachings of Knight, Jr. it would have been obvious to one in the art to modify Miki et al. by attaching up and down structure to the bottom plate since this would create a more amusing and aesthetically pleasing display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
May 2, 2005